

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1355 be amended to read as follows:

- 1 Page 11, between lines 24 and 25, begin a new paragraph
2 and insert:
3 "SECTION 11. IC 20-18-2-22, AS ADDED BY
4 P.L.246-2005, SECTION 126, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a)
6 "Teacher" means a professional person whose position in a
7 school corporation requires certain educational preparation and
8 licensing.
9 (b) For purposes of IC 20-28, the term includes the
10 following:
11 (1) A superintendent **who holds a license under IC 20-**
12 **28-5.**
13 (2) A supervisor.
14 (3) A principal.
15 (4) An attendance officer.
16 (5) A teacher.
17 (6) A librarian."
18 Page 13, between lines 31 and 32, begin a new paragraph
19 and insert:
20 "SECTION 15. IC 20-26-5-4, AS ADDED BY P.L.1-2005,
21 SECTION 10, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2006]: Sec. 4. In carrying out the school
23 purposes of a school corporation, the governing body acting on

1 the school corporation's behalf has the following specific
2 powers:

3 (1) In the name of the school corporation, to sue and be
4 sued and to enter into contracts in matters permitted by
5 applicable law.

6 (2) To take charge of, manage, and conduct the
7 educational affairs of the school corporation and to
8 establish, locate, and provide the necessary schools,
9 school libraries, other libraries where permitted by law,
10 other buildings, facilities, property, and equipment.

11 (3) To appropriate from the school corporation's general
12 fund an amount, not to exceed the greater of three
13 thousand dollars (\$3,000) per budget year or one dollar
14 (\$1) per pupil, not to exceed twelve thousand five
15 hundred dollars (\$12,500), based on the school
16 corporation's previous year's average daily membership
17 (as defined in IC 21-3-1.6-1.1) to promote the best
18 interests of the school corporation through:

19 (A) the purchase of meals, decorations, memorabilia,
20 or awards;

21 (B) provision for expenses incurred in interviewing
22 job applicants; or

23 (C) developing relations with other governmental
24 units.

25 (4) To:

26 (A) Acquire, construct, erect, maintain, hold, and
27 contract for construction, erection, or maintenance of
28 real estate, real estate improvements, or an interest in
29 real estate or real estate improvements, as the
30 governing body considers necessary for school
31 purposes, including buildings, parts of buildings,
32 additions to buildings, rooms, gymnasiums,
33 auditoriums, playgrounds, playing and athletic fields,
34 facilities for physical training, buildings for
35 administrative, office, warehouse, repair activities, or
36 housing school owned buses, landscaping, walks,
37 drives, parking areas, roadways, easements and
38 facilities for power, sewer, water, roadway, access,
39 storm and surface water, drinking water, gas,
40 electricity, other utilities and similar purposes, by
41 purchase, either outright for cash (or under
42 conditional sales or purchase money contracts
43 providing for a retention of a security interest by the
44 seller until payment is made or by notes where the
45 contract, security retention, or note is permitted by
46 applicable law), by exchange, by gift, by devise, by

1 eminent domain, by lease with or without option to
2 purchase, or by lease under IC 21-5-10, IC 21-5-11,
3 or IC 21-5-12.

4 (B) Repair, remodel, remove, or demolish, or to
5 contract for the repair, remodeling, removal, or
6 demolition of the real estate, real estate
7 improvements, or interest in the real estate or real
8 estate improvements, as the governing body
9 considers necessary for school purposes.

10 (C) Provide for energy conservation measures
11 through utility energy efficiency programs or under
12 a guaranteed energy savings contract as described in
13 IC 36-1-12.5.

14 (5) To acquire personal property or an interest in personal
15 property as the governing body considers necessary for
16 school purposes, including buses, motor vehicles,
17 equipment, apparatus, appliances, books, furniture, and
18 supplies, either by cash purchase or under conditional
19 sales or purchase money contracts providing for a
20 security interest by the seller until payment is made or by
21 notes where the contract, security, retention, or note is
22 permitted by applicable law, by gift, by devise, by loan,
23 or by lease with or without option to purchase and to
24 repair, remodel, remove, relocate, and demolish the
25 personal property. All purchases and contracts delineated
26 under the powers given under subdivision (4) and this
27 subdivision are subject solely to applicable law relating
28 to purchases and contracting by municipal corporations in
29 general and to the supervisory control of state agencies as
30 provided in section 6 of this chapter.

31 (6) To sell or exchange real or personal property or
32 interest in real or personal property that, in the opinion of
33 the governing body, is not necessary for school purposes,
34 in accordance with IC 20-26-7, to demolish or otherwise
35 dispose of the property if, in the opinion of the governing
36 body, the property is not necessary for school purposes
37 and is worthless, and to pay the expenses for the
38 demolition or disposition.

39 (7) To lease any school property for a rental that the
40 governing body considers reasonable or to permit the free
41 use of school property for:

42 (A) civic or public purposes; or

43 (B) the operation of a school age child care program
44 for children five (5) years of age through fourteen
45 (14) years of age that operates before or after the

1 school day, or both, and during periods when school
 2 is not in session;
 3 if the property is not needed for school purposes. Under
 4 this subdivision, the governing body may enter into a
 5 long term lease with a nonprofit corporation, community
 6 service organization, or other governmental entity, if the
 7 corporation, organization, or other governmental entity
 8 will use the property to be leased for civic or public
 9 purposes or for a school age child care program.
 10 However, if payment for the property subject to a long
 11 term lease is made from money in the school
 12 corporation's debt service fund, all proceeds from the long
 13 term lease must be deposited in the school corporation's
 14 debt service fund so long as payment for the property has
 15 not been made. The governing body may, at the
 16 governing body's option, use the procedure specified in
 17 IC 36-1-11-10 in leasing property under this subdivision.
 18 (8) To:

- 19 (A) Employ, contract for, and discharge
 20 superintendents (**who are not required to hold a**
 21 **license under IC 20-28-5**), supervisors, principals,
 22 teachers, librarians, athletic coaches (whether or not
 23 they are otherwise employed by the school
 24 corporation and whether or not they are licensed
 25 under IC 20-28-5), business managers,
 26 superintendents of buildings and grounds, janitors,
 27 engineers, architects, physicians, dentists, nurses,
 28 accountants, teacher aides performing
 29 noninstructional duties, educational and other
 30 professional consultants, data processing and
 31 computer service for school purposes, including the
 32 making of schedules, the keeping and analyzing of
 33 grades and other student data, the keeping and
 34 preparing of warrants, payroll, and similar data where
 35 approved by the state board of accounts as provided
 36 below, and other personnel or services as the
 37 governing body considers necessary for school
 38 purposes.
- 39 (B) Fix and pay the salaries and compensation of
 40 persons and services described in this subdivision.
- 41 (C) Classify persons or services described in this
 42 subdivision and to adopt schedules of salaries or
 43 compensation.
- 44 (D) Determine the number of the persons or the
 45 amount of the services employed or contracted for as

provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers is subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval to the end that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to refund to the employee or to the member the employee's or member's reasonable hotel and board bills and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school, the transportation to be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To

1 operate the lunch program as an extracurricular activity,
2 subject to the supervision of the governing body. To
3 participate in a surplus commodity or lunch aid program.

4 (12) To purchase textbooks, to furnish textbooks without
5 cost or to rent textbooks to students, to participate in a
6 textbook aid program, all in accordance with applicable
7 law.

8 (13) To accept students transferred from other school
9 corporations and to transfer students to other school
10 corporations in accordance with applicable law.

11 (14) To levy taxes, to make budgets, to appropriate funds,
12 and to disburse the money of the school corporation in
13 accordance with applicable law. To borrow money
14 against current tax collections and otherwise to borrow
15 money, in accordance with IC 21-2-21.

16 (15) To purchase insurance or to establish and maintain
17 a program of self-insurance relating to the liability of the
18 school corporation or the school corporation's employees
19 in connection with motor vehicles or property and for
20 additional coverage to the extent permitted and in
21 accordance with IC 34-13-3-20. To purchase additional
22 insurance or to establish and maintain a program of
23 self-insurance protecting the school corporation and
24 members of the governing body, employees, contractors,
25 or agents of the school corporation from liability, risk,
26 accident, or loss related to school property, school
27 contract, school or school related activity, including the
28 purchase of insurance or the establishment and
29 maintenance of a self-insurance program protecting
30 persons described in this subdivision against false
31 imprisonment, false arrest, libel, or slander for acts
32 committed in the course of the persons' employment,
33 protecting the school corporation for fire and extended
34 coverage and other casualty risks to the extent of
35 replacement cost, loss of use, and other insurable risks
36 relating to property owned, leased, or held by the school
37 corporation. To:

38 (A) participate in a state employee health plan under
39 IC 5-10-8-6.6;

40 (B) purchase insurance; or

41 (C) establish and maintain a program of
42 self-insurance;

43 to benefit school corporation employees, including
44 accident, sickness, health, or dental coverage, provided
45 that a plan of self-insurance must include an aggregate

1 stop-loss provision.

2 (16) To make all applications, to enter into all contracts,
3 and to sign all documents necessary for the receipt of aid,
4 money, or property from the state government, the federal
5 government, or from any other source.

6 (17) To defend any member of the governing body or any
7 employee of the school corporation in any suit arising out
8 of the performance of the member's or employee's duties
9 for or employment with, the school corporation, if the
10 governing body by resolution determined that the action
11 was taken in good faith. To save any member or
12 employee harmless from any liability, cost, or damage in
13 connection with the performance, including the payment
14 of legal fees, except where the liability, cost, or damage
15 is predicated on or arises out of the bad faith of the
16 member or employee, or is a claim or judgment based on
17 the member's or employee's malfeasance in office or
18 employment.

19 (18) To prepare, make, enforce, amend, or repeal rules,
20 regulations, and procedures for the government and
21 management of the schools, property, facilities, and
22 activities of the school corporation, the school
23 corporation's agents, employees, and pupils and for the
24 operation of the governing body, which rules, regulations,
25 and procedures may be designated by an appropriate title
26 such as "policy handbook", "bylaws", or "rules and
27 regulations".

28 (19) To ratify and approve any action taken by a member
29 of the governing body, an officer of the governing body,
30 or an employee of the school corporation after the action
31 is taken, if the action could have been approved in
32 advance, and in connection with the action to pay the
33 expense or compensation permitted under IC 20-26-1
34 through IC 20-26-5, IC 20-26-7, IC 21-2-19, and
35 IC 21-2-21 or any other law.

36 (20) To exercise any other power and make any
37 expenditure in carrying out the governing body's general
38 powers and purposes provided in this chapter or in
39 carrying out the powers delineated in this section which
40 is reasonable from a business or educational standpoint in
41 carrying out school purposes of the school corporation,
42 including the acquisition of property or the employment
43 or contracting for services, even though the power or
44 expenditure is not specifically set out in this chapter. The
45 specific powers set out in this section do not limit the

1 general grant of powers provided in this chapter except
 2 where a limitation is set out in IC 20-26-1 through
 3 IC 20-26-5, IC 20-26-7, IC 21-2-19, and IC 21-2-21 by
 4 specific language or by reference to other law.

5 SECTION 16. IC 20-28-8-6, AS ADDED BY P.L.1-2005,
 6 SECTION 12, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2006]: Sec. 6. A contract entered into
 8 by a governing body and its superintendent is subject to the
 9 following conditions:

10 (1) **If the superintendent holds a license under IC 20-**
 11 **28-5**, the basic contract must be in the form of the regular
 12 teacher's contract.

13 (2) The contract must be for a term of at least thirty-six
 14 (36) months.

15 (3) The contract may be altered or rescinded for a new
 16 one at any time by mutual consent of the governing body
 17 and the superintendent. The consent of both parties must
 18 be in writing and must be expressed in a manner
 19 consistent with this section and sections 7 through 8 of
 20 this chapter.

21 (4) **If the superintendent holds a license under IC 20-**
 22 **28-5**, the rights of ~~a~~ **the** superintendent as a teacher under
 23 any other law are not affected by the contract."

24 Page 13, line 32, strike "IC 3-8-1-10.5 IS REPEALED
 25 [EFFECTIVE JULY" and insert "**THE FOLLOWING ARE**
 26 **REPEALED [EFFECTIVE JULY 1, 2006]: IC 3-8-1-10.5;**
 27 **IC 20-23-2-7."**

28 Page 13, delete line 33.

29 Renumber all SECTIONS consecutively.

(Reference is to HB 1355 January 26, 2006.)

Representative TURNER